

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

September 20, 2007

In the Matter of
Bodycote Thermal Processing, Inc.

Docket No. 2007-135
DEP File No. UAO-WE-07-3004
Worcester, MA

FINAL DECISION

On August 17, 2007, Bodycote Thermal Processing, Inc. (“the petitioner”) filed this appeal of a Unilateral Administrative Order (“UAO”) that the Western Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to the petitioner on July 27, 2007. On August 30, 2007, the Department’s counsel in this appeal informed the Department’s Office of Appeals and Dispute Resolution (“OADR”) that the Department rescinded the UAO on the previous date, August 29th, and requested that this appeal be dismissed as moot. As a result, on September 9, 2007, the Acting Chief Presiding Officer issued an Order directing the petitioner to file with OADR by September 21, 2007 a written notice withdrawing this appeal without prejudice. The Order informed the parties that alternatively, they could file by September 21st, a joint stipulation of dismissal of the appeal without prejudice.

In response to the Acting Chief Presiding Officer’s Order, on September 18, 2007, the petitioner filed the attached Notice of Withdrawal of Claim for Adjudicatory Hearing on

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Unilateral Administrative Order (“Notice of Withdrawal of Appeal”) withdrawing this appeal without prejudice because of the Department’s rescission of the UAO.

The petitioner’s Notice of Withdrawal of Appeal constitutes a waiver to any further administrative review before the Department as well as appeal to court of the rescinded UAO. Accordingly, the Department issues this Final Decision incorporating the petitioner’s Notice of Withdrawal of Appeal, and dismisses this appeal without prejudice.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Date: _____

Laurie Burt
Commissioner

SERVICE LIST

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DEPARTMENT

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DEPARTMENT

Date: September 19, 2007